

## **REMARKS**

Claims 1-16 and 18-20 are pending in the present application. Claim 17 is cancelled, and claims 1-16 and 18-20 have been amended herein. No new matter has been added. Applicants respectfully request reconsideration of the claims in view of the following remarks.

As an initial matter, Applicants note that the Office Action failed to address claims 19 and 20, both of which were added by a Preliminary Amendment dated May 30, 2006. Claims 3, 4, 6-8, 11, and 13-18 were amended by that Preliminary Amendment as well. Due to the nature of the amendments and the language of the Office Action, however, Applicants are unable to determine if the amended claims were considered. The claims and the claim amendments contained herein are based on the claims presented in the Preliminary Amendment.

Claims 17 and 18 have been rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. While Applicants do not agree with the Office Action that the language asserted by the Office Action is “required,” Applicants have amended claim 18 as suggested by the Office Action and have cancelled claim 17. Accordingly, Applicants respectfully request that the rejections of claims 17 and 18 be withdrawn.

Claims 1-18 have been rejected under 35 U.S.C. § 102(e) as assertedly being anticipated by U.S. Patent No. 6,791,941 B1 (hereinafter “Dziong”). Applicants respectfully traverse these rejections.

Applicants’ claim 1 recites, “measuring end-to-end forwarding quality in measurement nodes located outside the network core” and “detecting forwarding quality violations in at least one path between the measurement nodes.” It should be noted that the end-to-end forwarding quality measurements are taken from end points in the communication path, as is evident from the fact that the end-to-end forwarding quality measurements are obtained by measurement

nodes outside of the network core. This feature is illustrated in Figure 1 of Applicants' drawings, wherein reference numeral 106 refers to the measurement nodes.

In contrast, the measurements disclosed in Dziong are not end-to-end measurements, nor are the measurements measured in "measurement nodes located outside the network core." The Office Action identified the measurements listed at column 8, line 50 to column 9, line 45, as well as Figure 9, of Dziong as disclosing these limitations. This section, however, fails to disclose that the measurements are *end-to-end* forwarding quality measurements that were measured in measurement nodes *located outside the network core*. In fact, Dziong indicates that these measurements are obtained from the switches themselves, which are located in the network core. In particular, Dziong states, "While many of these measurements may be available in particular switches, some switches may provide only approximations for these measured quantities." It appears that Dziong is obtaining measurements from the switch itself to adjust the switch's parameters, as opposed to obtaining end-to-end measurements across all of the switches by measurement nodes located outside the network core.

Applicants' claim 9 also recites the limitation "end-to-end measurements." As discussed above, Dziong fails to disclose the use of end-to-end measurements, but rather only discloses the use of measurements on a per switch basis.

Accordingly, Applicants respectfully request that the rejections to claims 1 and 9 be withdrawn. Claims 2-8, 10-16, and 18- 20 depend from and add further limitations to one of claims 1 and 9. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully

requested that the Examiner telephone Roger C. Knapp, Applicants' Attorney, at 972-732-1001, so that such issues may be resolved as expeditiously as possible. The Commissioner is hereby authorized to charge any fees that are due, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

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Date

SLATER & MATSIL, L.L.P.  
17950 Preston Rd., Suite 1000  
Dallas, Texas 75252  
Tel.: 972-732-1001  
Fax: 972-732-9218

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/Roger C. Knapp/  
Roger C. Knapp  
Attorney for Applicants  
Reg. No. 46,836